

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHAEL C. BENNETT,

Plaintiff,

v.

3:08-cv-06

JAMES HARVILLE, et al.,

Defendants.

MEMORANDUM OPINION

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On February 8, 2008, the court directed plaintiff to complete and return the service packets for the defendants. Plaintiff's copy of that order, which was mailed to him at his last known address of the Grainger County Jail, was returned undelivered on February 14, 2008, with the notation "no longer an inmate." Plaintiff bears the burden of prosecuting his action, which includes informing the court of his correct mailing address, and he has not done so.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of the court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal

from this action would not be taken in good faith and would be totally frivolous. Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Leon Jordan
United States District Judge